IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 373 (S/S) 2007

Smt. Manju Bhatt W/o Rajendra Bahuguna,
D/o late Sri Yogendra Prasad Bhatt,
Resident of House No. 89, 40th Vahini, P.A.C.,
Haridwar, District Haridwar. ---- Petitioner.

Versus

1. State of Uttarakhand through Secretary Home, Govt. of Uttarakhand, Dehradun,
2. D.I.G. Garhwal Range, Dehradun,
3. S.P., Haridwar, Uttarakhand,
4. Commandant, 40th Vahini, P.A.C., Haridwar, District Haridwar, ----Respondents.

Sri Sanjeev Singh, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sanjeev Singh, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari to quash the transfer order of petitioner dated 09.03.2007, by which the petitioner has been transferred from 40th Vahini, P.A.C., Haridwar to Police Line, Haridwar.

ii. Issue a writ, order or direction in the nature of mandamus directing the respondents not to transfer the petitioner from 40th P.A.C. Vahini to Police Line, haridwar,

iii. Pass any order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case,

iv. Award the cost of the petition to the petitioner.

This is the second writ petition filed by the petitioner against her transfer order. Earlier a writ petition no. 90 (ss)2007 was filed by the petitioner challenging the order dated 22nd January 2007 passed by Superintendent of Police (Karmik), Uttarakhand, Dehradun, by which the petitioner working as Class IV employee in the 40th Battalion, P.A.C., Haridwar was transferred to Tehri Garhwal.

The aforesaid transfer order was assailed by the petitioner on the ground that the petitioner has filed a complaint case no. 742 of 2006 before the Chief Judicial Magistrate, Haridwar u/s 498-A, 323, 504, 506 I.P.C. and ¾ Dowry Prohibition Act against her husband Sri Rajendra Bahuguna, who is residing at Tehri and whose uncle is the Gunner of commandant, 40th Battalion P.A.C. Haridwar and, as such, the transfer order has been passed on the instigation of her husband so that he may harass the petitioner at Tehri. This Court directed the petitioner to move representation before competent authority, raising all her grievances within a period of seven days and it was expected from the Authority Concerned that they will pass appropriate orders within a period of two weeks from the date of production of a certified copy of the order alongwith representation of the petitioner and till the decision is taken on the representation or till 8th March 2007, the transfer order was directed to be kept in abeyance.

Now, after due consideration on the representation of the petitioner, the respondent has cancelled the earlier transfer order and has posted the petitioner at Police Line, Haridwar. The petitioner has now challenged this order contending that there is no Woman Police posted at Police Line, except the petitioner therefore, she may be posted in 40th Battalion, P.A.C., Haridwar. I do not find any merit to interfere with the order impugned in this writ petition.

The petition lacks merit and thus, is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 12, 2007:
NCM: